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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,923	12/18/2001	Zeev Shapiro	37818-6035	4864
33123	7590	01/31/2006	EXAMINER	
HELLER EHRMAN LLP 4350 LA JOLLA VILLAGE DRIVE #700 7TH FLOOR SAN DIEGO, CA 92122			ZAND, KAMBIZ	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/023,923	SHPIRO ET AL.
	Examiner Kambiz Zand	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 November 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) 16-23 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-2,7,9,12,13, 24-25,30,32 and 35 is/are rejected.
 7) Claim(s) 3-6,8,10,11,14,15,26-29,31,33,34,37 and 38 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 9/23 & 11/23 2002.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Applicant's election of the group I claims 1-15 and 24-38 have been acknowledged. However examiner would appreciate cancellation of the non-elected invention claims in response to this office action or a traverse with respect to the election-restriction by Examiner. Therefore the claims 16-23 have been withdrawn from consideration.
4. **Claims 1-15 and 24-38** have been examined.

Information Disclosure Statement PTO-1449

5. The Information Disclosure Statement submitted by applicant on 09/23/2002 and 11/13/2002 have been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 7, 9, 30 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7, 9, 30 and 32, the “wherein ...progress” and “wherein...performance” phrases makes the claims indefinite and unclear in that neither method or means nor interrelationship of method or means are set forth in these claims in order to achieve the desired results expressed in the above phrases. Also it is not clear what applicant considers as the difference between progresses in comparison to performance.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclose or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1, 2, 12, 13, 24, 25, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blass et al (6,296,489 B1) in view of Scull (2002/0004785 A1).

As per claim 1 and 24 Blass et al (6,296,489 B1) teach an apparatus, a method (see col.11, lines 61-67) of controlling access to a language learning computer facility (see

abstract; fig.1 and associated text where item 100 corresponds to the applicant's apparatus and related text disclose the apparatus and the method; col.3, lines 27-41 with respect to the language learning), the method comprising: permitting a user to interact with the computer facility through a computer node of a network (see fig.1 and associated text where the workstations 112 or 114 corresponds to applicant's nodes of the network 110, Examiner also considers any computer systems regardless of the names such as server or workstation or computer as being a node within a network 110; see col.5, lines 15-23 where the user or student uses workstation 112 or 114 for training) the user interaction comprising language learning responses submitted to the computer facility through the computer node (see col.5, lines 15-23 where the interaction of the user through computer nodes 112 or 114 through network 110 with servers 116 or 118 which corresponds to applicant's computer facility; see col.5, lines 31-54 disclose interactive learning response; also see also col.7, lines 24-44 and 53-67; col.8, lines 1-6); performing a user authentication process to determine if the permitted user interaction is authorized (see fig.7 and associated text where the server that corresponds to applicant's computer facility authenticate the user in step 302-306); and determining whether the permitted user interaction should be continued, if the user is determined not to be authorized (see fig.7 and associated text where in step 306 determines the user interaction should continue or not and if the user is authorized send the user request to the user in step 310 and if not continues to step 312); wherein the user authentication process is performed with user authentication information that is obtained by the computer facility during the permitted user interaction (see fig.7 and

associated text where the user authentication information is obtained through the user logs on at step 302; Also see col.12, lines 56-65; col.7, lines 9-11; col.9, lines 26-34). Blass et al (6,296,489 B1) however do not disclose that user authentication also involves information extracted from the user's language learning responses. On the other hand Scull (2002/0004785 A1) do disclose user authentication also involves information extracted from the user's language learning responses (see fig.1 and associated text; [0033]). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Schull's combination authentication criteria in Blass's system and method language training environment in order to preserve security advantage while simplifying and making more flexible process by which passwords are obtained (see [0028]).

As per claims 2 and 25 Blass et al (6,296,489 B1) teach an apparatus, a method as defined in claims 1 and 24 respectively, wherein the permitted user interaction includes receiving user speaker verification information that is obtained from the user in response to language learning requests from the computer facility (see fig.1-3 and 7 and associated text including see col.12, lines 56-65; col.7, lines 9-11; col.9, lines 26-34) but do not explicitly disclose analyzing the speaker verification information to verify that the user is a recognized speaker. However Scull (2002/0004785 A1) do disclose analyzing the speaker verification information to verify that the user is a recognized speaker (see fig.1 and associated text; [0033] where the voice of the user that corresponds to applicant's speaker information is generated, analyzed and verified as

one part of the user information for authentication). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Schull's combination authentication criteria in Blass's system and method language training environment in order to preserve security advantage while simplifying and making more flexible process by which passwords are obtained (see [0028]).

As per claims 12 and 35 Blass et al (6,296,489 B1) teach an apparatus, a method as defined in claims 1 and 24 respectively as applied above but do not explicitly disclose, wherein the user authentication process comprises: requesting a user identification code input; receiving identification code generated by a code generator that is attached to a microphone that communicates with the user computer and through which the user provides speech input. However Scull (2002/0004785 A1) do disclose the user authentication process comprises: requesting a user identification code input; receiving identification code generated by a code generator that is attached to a microphone that communicates with the user computer and through which the user provides speech input (see fig.1 and 2 and associated text; [0033] where the code generator generates user code and target code as user voice). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Schull's combination authentication criteria in Blass's system and method language training environment in order to preserve security advantage while simplifying and making more flexible process by which passwords are obtained (see [0028]).

As per claims 13 and 36 Blass et al (6,296,489 B1) teach an apparatus, a method as defined in claims 1 and 24 respectively as applied above but do not explicitly disclose, wherein performing the user authentication process comprises receiving multiple types of authentication information and determining user authorization based on criteria relating to information that includes at least two from among: user speaker verification information, user progress information, user performance information, or a user identification code. However Scull (2002/0004785 A1) do disclose at least two criteria of user speaker or vice and user identification code (see fig.1 and 2 and associated text including [0033]). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Schull's combination authentication criteria in Blass's system and method language training environment in order to preserve security advantage while simplifying and making more flexible process by which passwords are obtained (see [0028]).

10. Claims 7, 9, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blass et al (6,296,489 B1) in view of Scull (2002/0004785 A1) and further in view of Chadha (5,963, 908 A).

As per claims 7, 9, 30 and 32 Blass et al (6,296,489 B1) in view of Scull (2002/0004785 A1) teach an apparatus, a method as defined in claims 1 and 24 respectively, but do not explicitly disclose wherein the user authentication information comprises student instruction progress/performance information obtained during the

language learning user interaction. However Chadha (5,963, 908 A) disclose the user authentication information comprises student instruction progress/performance information obtained during the language learning user interaction (see abstract; fig.2-3b and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Chadha's user progress/performance due to inputting user voice input for authentication with master voice input or prior progress/performance in Schull's combination authentication criteria in Blass's system and method language training environment in order to authorized user access based on the priority level of the vice pattern (see abstract).

Allowable Subject Matter

11. **Claims 3-6,8,10,11,14,15,26-29,31,33,34 and 37-38** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Please see enclosed PTO-892.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571)

272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

01/27/2006

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